

ORDINANCE NO. 06-23

ORDINANCE: To amend City Code Chapter 18, titled "Rental Facilities and Landlord-Tenant Relations," to (1) require radon testing in basement and ground-level dwelling units in certain rental facilities; (2) require disclosure and mitigation of radon hazards above a certain action level; (3) include lease requirements for certain rental facilities; (4) revise the requirements regarding the inspection of rental facilities; (5) require the City Manager to deny a rental facility license if the applicant has previously violated certain provisions of the City Code under certain circumstances; (6) revise the name of the City department implementing this Chapter; and (7) generally amend laws regarding landlord-tenant relations in the City

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND** as follows:

SECTION I – That Chapter 18 of the Rockville City Code entitled "Rental Facilities and Landlord-Tenant Relations" be amended as follows:

**Chapter 18**

**RENTAL FACILITIES AND LANDLORD-TENANT RELATIONS**

**ARTICLE III. - RENTAL FACILITY REQUIREMENTS**

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**DIVISION 2. - LICENSE**

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**Sec. 18-114. - Inspections.**

~~Rental facilities shall be inspected:~~

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- (a) A rental facility must be inspected upon the receipt of a completed application for a rental facility license and before issuance or renewal of a rental facility license.
- (b) As a condition of receiving a rental facility license, a landlord must also allow the rental facility to be inspected:
- (1) Upon the receipt of a completed application for a rental facility license;
  - (2) Prior to the renewal of a rental facility license;
  - (3) In the case of a single-family dwellings unit or accessory dwelling unit, upon the termination of one (1) tenancy and before the occupancy of a new tenant.
  - (4) In the case of a rental accessory apartment or room rental, upon the termination of one (1) tenancy and before the occupancy of a new tenant. Both the accessory apartment or room rental and the main structure to which it is attached, or included in, shall be inspected.
- (1) Upon a reasonable suspicion of a violation of this chapter or any other section of the City Code.
- (2) To verify that a violation of this chapter or any other section of the City Code has been abated.
- (c) The City is deemed to have reasonable suspicion of a violation if it receives a credible complaint of a violation or has documented evidence that a violation may exist.
- (d) The City must provide at least 72 hours written notice before any inspection of a rental facility by certified mail sent to the landlord's last known address and by posting at the main entrance of the rental facility.
- (e) If a violation of this chapter or any other section of the City Code is noted during the inspection, the City must notify the landlord in writing of the nature of the violation and the time within which the violation must be abated. The City may require the rental facility to be reinspected to verify that the violation has been abated.
- (f) A landlord is deemed to have violated this chapter if a City inspector is refused entry to the landlord's rental facility to conduct an inspection that has been properly noticed under this section. Each day an inspector is refused entry to conduct a properly noticed inspection is a separate violation.

**Cross reference**— Municipal infractions, § 1-9; penalties for violation of chapter, § 18-5; denial, revocation or suspension of license, § 18-118.

**Sec. 18-118. - Denial, revocation or suspension.**

- (a) A rental facility license may be revoked or suspended, and a renewal may be denied at any time by the City Manager if the landlord after ten (10) working days' written notice fails to eliminate or to initiate good faith efforts to eliminate violations of this chapter or of other applicable laws, rules or regulations. Revocation, denial or suspension of a license shall be in addition to, and not in substitution for, such other penalties as may be provided for violations by any ordinance. A license shall be revoked only for that portion of a building or group of buildings in which a defective tenancy is found to exist.
  
- (b) The City Manager must deny an application for a new rental facility license or a renewal of a rental facility license if the applicant has been cited for three or more violations of this chapter or other section of the City Code related to the rental, use, or construction of a rental facility within the past two years, unless the applicant remediated each violation to the satisfaction of the City Manager within 30 days of citation.
  
- (c) In the event that a license is revoked or suspended or any application for license renewal is denied, and the landlord of the premises for which the license had been issued or applied for chooses to cease renting the facility regulated hereunder, he shall give any tenants occupying the premises in question sixty (60) days' written notice to vacate the premises, such period to begin on the first day of the month following service of such notice. In addition, a copy of the notice must be delivered to the City Manager.

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**ARTICLE IV. - LANDLORD-TENANT RIGHTS AND OBLIGATIONS**

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**DIVISION 2. - LEASES**

**Sec. 18-146. - Contents.**

All leases or agreements for the occupancy of a dwelling unit in a rental facility located in the City, except those subject to the requirement of an innkeeper's license, must:

\* \* \*

- (21) Contain a provision referencing the City's right to inspect the rental facility under section 18-114 and requiring the tenant to allow such an inspection.
  
- (22) Comply with section 18-180(d).

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**DIVISION 4. – LANDLORD RIGHTS AND OBLIGATIONS**

**Sec. 18-177. – Obligation to maintain rental facility and provide services.**

- (a) The landlord, at all times, shall reasonably provide for the maintenance of the health, safety and welfare of all tenants and of all individuals properly on the premises of a rental facility which obligations shall include, but not be limited to, the following:

\* \* \*

(6) Supplying water and hot water as reasonably required by the tenant and supplying adequate heat as provided by chapter 5 (buildings and building regulations), article XIII. In the case of condominium or cooperative dwelling units, water, hot water, and adequate heat must be provided by the landlord to the extent that the landlord has responsibility to provide such services; and

(7) Complying with section 18-180 (Radon testing).

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**Sec. 18-180. – Radon testing.**

- (a) Definitions. In this section, the following terms have the meanings indicated:

Action level means the level of radon in a building, which, if equal to or above the EPA's recommended action level, triggers mitigation.

EPA means the United States Environmental Protection Agency.

Mitigation means measures designed to permanently reduce indoor radon concentrations.

Radon means a radioactive gas found in the air that comes from the natural breakdown of uranium in soil, rock, and water.

Radon test means measuring the amount of radon in an indoor space:

- (1) with a device made for this purpose;
- (2) approved for use by the Director of the Montgomery County Department of Environmental Protection; and
- (3) performed in accordance with the protocols specified for the device used.

Radon hazard means exposure to indoor radon concentrations at or in excess of the EPA's recommended radon action level.

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- (b) Applicability. This section applies to all ground-contact or basement dwelling unit(s) in a rental facility, except those subject to the requirement of an innkeeper's license.
- (c) Radon testing required. A landlord must conduct a radon test before leasing a dwelling unit subject to this section to a prospective tenant. Test results must be within two years of the date of the lease.
- (d) Lease requirements. At the time of the lease signing, the landlord must provide to the tenant and certify in the lease, or an addendum to the lease, the following:
- (1) a copy of the radon test results that indicates any concentration of radon is below the EPA's recommended action level of 4.0 picocuries per liter (pCi/L);
  - (2) the radon test was performed less than two years before the date of the lease; and
  - (3) a copy of the EPA's pamphlet on radon guide for tenants or an equivalent pamphlet approved for use by the Montgomery County Department of Environmental Protection. The copy of the pamphlet may be an electronic link to the applicable website, or if requested by the tenant, a hard copy.
- (e) Testing and notification by existing tenants. An existing tenant may conduct a radon test or hire a professional to test a dwelling unit subject to this section. If the test results indicate that radon hazard is present at a level of 4.0 pCi/L or higher, the tenant must:
- (1) in writing; and
  - (2) within 14 days after the test results, notify the landlord and provide the landlord with a copy of the test results.
- (f) Mitigation of radon. A landlord who receives notice under subsection (e) must:
- (1) within 14 days after notice, initiate a follow-up radon test, in accordance with EPA-recommended standards for testing, to confirm any presence of radon hazard; and
  - (2) within 90 days after confirmed results:
    - (A) mitigate the premises to reduce radon below the action level of 4.0 pCi/L; and
    - (B) provide the tenant with a final copy of test results performed by a radon professional that indicates radon has been reduced below the action level.
- (g) Cost of testing. The landlord is responsible for the cost of any follow-up, confirmation, or retesting of radon in a dwelling unit.

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- (h) Dispute of testing results. If there is a case of conflicting test results, where the test result provided by a tenant is at or above the action level and a test result by a landlord is below the action level, the following applies to determine the prevailing test result:
- (1) testing performed in compliance with the EPA-recommended standard, by a for-hire radon professional supersede tests not performed by a radon professional;
  - (2) if both tests are performed by radon professionals, long-term testing results supersede short-term test results; or
  - (3) if both tests are equally valid, as specified in subsections (1) and (2), and the dispute remains, then a mutually agreed upon third-party radon professional must retest in accordance with EPA-recommended standards.
- (i) Disclosure of radon. A landlord must disclose in writing to each tenant in a dwelling unit subject to this section, within 14 days after a confirmed radon test, any radon concentrations above EPA's recommended radon action level that are known to be present within the dwelling unit.
- (j) Termination of lease. A tenant has the right to terminate a lease, if the landlord fails to mitigate under subsection (f), without loss of security deposit or any other financial penalty. A tenant must provide, in writing, to the landlord a notice of the intent to terminate and vacate the premises. The notice may be effective either immediately upon receipt by the landlord, or as agreed upon by both parties, to allow the tenant to find alternative housing.

**ARTICLE V. - RENTAL HOUSING DATA COLLECTION AND VOLUNTARY RENT STABILIZATION GUIDELINES**

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**Sec. 18-194. - Voluntary rent guidelines and notice requirements of rent increases.**

- (a) Landlords are encouraged to hold rent increases at the lowest level possible and not more than the percentage established annually by resolution of the Mayor and Council.
- (b) Ninety (90) days prior to the effective date of any rent increase, the landlord must provide to the tenant and the Director of Housing and Community Development the information set forth below, except that landlords of single dwelling units need not provide this information to the Director of Housing and Community Development:
  - (1) Old rent;
  - (2) New rent;
  - (3) The effective date of the increase;

- (4) The percentage of the increase;
- (5) The recommended guidelines;
- (6) Information prepared by the City and furnished to the landlord with respect to rent subsidy programs which might be available to the tenants; and
- (7) Such other information as the landlord deems useful in explaining the rent increase.

**Sec. 18-195. - Mandatory reporting requirements.**

- (a) Each landlord shall provide in addition to the information contained in the notice of proposed rent increase as described in subsection (b), the following information on a monthly basis to the Director of Housing and Community Development:

\* \* \*

- (b) In order to minimize the impact the reporting requirements of this article might have on landlords, the Director of Housing and Community Development shall prepare and make available to the landlord a survey form for securing the data, which form shall be designed to minimize the repeated reporting of unchanged information, while maintaining an accurate data base.

- (c) Each landlord shall maintain records for each project on an aggregate basis containing the following information which shall be made available to the City upon request and after a determination has been made by the Director of Housing and Community Development that the information is relevant and necessary to carrying out the purposes of this article:

\* \* \*

- (d) The Director of Housing and Community Development shall provide a quarterly report to the City Manager summarizing the information accumulated from the required reports submitted by each landlord of licensed rental facilities in the City.

SECTION II – This ordinance shall become effective on [6 months from date of adoption].

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NOTE: ~~Strikethrough~~ indicates material deleted.

Underlining indicates material added.

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I hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Mayor and Council of Rockville at its meeting of March 27, 2023.



Sara Taylor-Ferrell

City Clerk/Director of Council Operation